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17th 1851



REMARKS
OF
JOSEPH H. GEIGER, ESQ.,
SENATOR FROM THE
DISTRICT OF ROSS AND PICKAWAY,
IN THE
SENATE OF OHIO,
ON
FRIDAY, JANUARY 17, 1851:
TO WHICH ARE AFFIXED,
A SKETCH OF A REPLY
BY
MR. WALKER, SENATOR FROM MONTGOMERY,
WITH
MR. GEIGER'S REJOINDER.

CHILLICOTHE, O:

FROM THE PRESS OF THE DAILY SCIOTO GAZETTE.

1851.

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MR. GEIGER'S RESOLUTIONS.

Laid on the table of the Ohio Senate, and ordered to be printed, January 9, 1851.

WHEREAS, the agitation of the subject of slavery by designing men, both at the North and the South, for the purpose of acquiring local popularity in their respective districts of country, is to be deprecated; and whereas, much of the improper feeling existing between the Free and the Slave States, has arisen from the mutual misunderstanding of the true sentiments of the mass of the people in each section of the Union: Therefore,

Resolved, by the General Assembly of the State of Ohio, First, That we hold the Union of the States paramount to every other political consideration, and that a State threatening its dissolution in view of future contingencies, manifests the same unpatriotic and fanatical spirit as the unorganized mob, which would rend its laws by violence.

Resolved, Second, That the Judiciary and ballot box furnish, in this government, the only Constitutional and effective remedy for wrongs, real or imaginary, and that is the duty of every good citizen to indignantly frown upon, and if necessary, suppress by active exertion all forcible resistance to laws, passed by the constitutional authority of the Union, whether such resistance be made by States or individuals.

Resolved, Third, That the State of Ohio fully recognizes the obligations imposed by the constitution of the United States, to surrender fugitives from labor, escaping from one State into another, and will stand by any law of Congress designed to secure the rights of the master while it fully protects the liberty of the colored freeman, and that our sister States may feel confident, that whatever amendment we may suggest to the recently enacted Fugitive Laws, is intended not to evade the obvious intent of the constitution, but designed, in good faith,

to advance the true object of the law, by removing the prejudice and hostility awakened against it in its present form.

Resolved, Fourth, that the Fugitive Law passed at the late session of Congress is objectionable, because it makes *ex parte* evidence conclusive, without allowing the alleged fugitive to contest by disinterested testimony any other question than that of his *identity*, and while summary proceedings may be allowed in preliminary trials, fugitives from labor should have the same right of final trial by jury granted to them, in the State from which they escaped, which is granted to fugitives from justice, and if the Court or Commissioner is satisfied from testimony, that the alleged fugitive has *any real* claim to freedom, the master must be required to enter into bonds to submit the same to fair trial in the State from which the fugitive escaped, as provided in the bill reported to the United States Senate in May, 1850, by the special committee of thirteen, or failing to give such bond, shall test by the jury trial the right of freedom of the alleged fugitive, in the State in which the said fugitive may be found.

Resolved, Fifth, That the State of Ohio stands where she always stood, in opposition to the extension of slavery into territory now free, but she does not desire agitation on exciting topics, for the mere sake of agitation, or the production of partizan capital, and our Senators and Representatives in Congress are hereby requested to conform their action to the spirit of the foregoing resolutions, with an honest and fearless determination to support the dignity and stability of the Union, *first, last, and forever.*

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the above resolutions.

REMARKS, & c ,

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Mr. Speaker:—It would be vanity, to expect that this Senate should award me more attention than has been given other gentlemen, by whom I have been preceded. The magnitude of the subject should, however, induce sober consideration. We are about expressing, as the Legislature of Ohio, what will be regarded as the sentiments of two millions of people, upon a question which has agitated, and almost convulsed, the Government; and it is due to us and to those we represent, that this manifesto, of our opinions upon this exciting topic, should speak, manfully and well, our regard for the Union of the States, our devotion to its peace and perpetuity.

It would have afforded me sincere pleasure, if the Freesoil Senators, upon this floor, could have permitted this question of Slavery to rest;—at least, not have forced its consideration upon a body by whom it cannot be legally reached. Congress has been chosen to legislate upon matters of a national character, and is the appropriate body to weigh and determine upon it. Men are there from every section of this great country, representing different and clashing interests, to interchange and compare sentiments, reconcile differences, and, by an understanding and knowledge of each other's rights and necessities, act wisely for the whole.—They have advantages in obtaining information, and learning the strength of public feeling or prejudice which, upon us, cannot be bestowed;—and I question, most seriously, the propriety of this Legislature imparting to our representatives in Congress any request, as to their particular action upon any subject, when their means for understanding and appreciating it are so vastly superior. And while, sir, some may admit the right of a Legislature to instruct the Senators, there are many wise men who believe that such "right of instruction" was never contemplated by those who made the constitution;—and that Senators are elected, for a long term, to be removed from the influence of partisan folly and fury;—to be freed from immediate responsibility to an excited people; to stand

loftily and unapproachably above the turbid waters which public passion may drive into wild billows;—and, with skill and prudence, direct the ship of state, through gloom and uncertainty, to a quiet haven.

Our tables are already loaded with local and general bills, demanding our time and attention for the people we immediately represent. They expect nothing but the performance of our duties as legislators for Ohio. They do not ask the discussion of dangerous projects, to the disregard and detriment of their interests and business. They do not desire the public mind to become inflamed upon a subject requiring peculiar serenity and soberness, and the wish is general that we should confine our operations to the precincts of our own State, discharge promptly our appropriate duties, and not neglect the interests of Ohio, and wander into matters whose regulation is dependent entirely upon the General Government or sister States.

The inquiry may be instituted, Why have you introduced resolutions? The answer is simple:—Other gentlemen, upon this floor, presented such as were not, in my belief, expressive of the voice of Ohio;—and, it seemed, from what could be learned, from intercourse with Senators, that *some* would be adopted. Under these impressions, derived from consultation, these resolutions were prepared, and will, I trust, receive the sanction of every true man and genuine patriot.

There are those who profess to believe that the storm, which has passed over this country, has merely given evidence of the strength of the cheeks and balances of government, and that the hurricane of passion evolved from this slavery excitement was transient in its nature, and a necessary incident of the operation of our institutions. Yet, sir, it has estranged feeling, embittered animosity, and diminished affection for the Union, causing not only cool calculations as to its worth; but men, North and South, have been the boisterous and zealous advocates of its dissolution. The public ear has become pained, and the public heart sickened, with the violence and malignity of misguided men; and none but

the blind can fail to perceive abundant reasons, to alarm the patriot into nerving himself for earnest duty.

That there has been a terrible commotion in this country, and that there are American citizens whose *declared* object is to sunder the Government, ought not to be concealed nor denied. Your people, in both sections, are pregnant with denunciation and abuse:—the prejudices and passions and interests of men are brought into collision;—epithets, galling and foul, are hurled at each other—falsehoods most marvelous are published as “truths of sacred writ;”—and the newspapers circulating in neighborhoods sympathizing with their sentiments, manufacture public opinion, and give it vigor, action and diffusion; unthinking Southern men believe that the free States, *as a whole*, are not only trying to deprive them of their constitutional rights, and rob them of their property, but to excite, by the representation of their wrongs and their hopes of freedom, the slave to insurrection, and the consequent slaughter of themselves and their families. They believe that northern interference has not only disturbed their quietude, but has made them “tread on slippery places, whilst fiery billows roll below;”—and, goaded by this sense of real or imaginary wrongs, they, with their northern fanatics, have nursed those sentiments which, like ulcers, are rotting their way into the very heart and vitality of the American Republic.

Sir, it has not only been your demagogues and politicians, who have been aroused and angered. The Christian community have entered the arena, and the ministers of the Heavenly Prince of Peace, forgetting their high and holy calling, have, upon this subject, made your sanctuaries turbulent, with heated discussions, and have almost blasphemed by the very horns of the altar. Your great Methodist church—that pioneer in the advancement of religion;—the church that makes the wilderness vocal with praise, is no longer a unit. The Church North and the Church South bear lamentable evidence of the strength of that frenzy which would compel war and division in the holiest institutions upon earth. Your Presbyterian church was also tested; and, for a time, paused in her decision, but her clergy and members, alike true men, have determined to *remain together*, in the service of one Lord and Master.

Conventions and popular assemblages, in the South, have resounded with the resolutions of traitors, denouncing the Union, and asking its dissolution. Hotspurs and mad-men have toasted it as “an unholy thing.” Legislatures have discussed its policy and necessity; and but a few months have elapsed

since a large body of men from different Southern States met, in convention, upon the very grave of JACKSON, to plot treason to the country, which his patriotism and courage had strengthened and illustrated.

Nor has the North been backward in pressing her claims for enrolment on the scroll of intamy. The *stainless virtue* and *towering patriotism* of the “special friends of the blacks,” has prompted them to assume a position of hostility to the Union. With them, it is a mere “bond of dishonor,” and the Constitution “a league with hell.” Sir, I speak what has not been wrought in darkness and obscurity, but amid the glare of the noon-day’s sun, and published to the world as the labors of responsible and philanthropic men. The Pennsylvania State Abolition Society, at Westchester, in October last, adopted the following resolutions:

Resolved, That the American Constitution, by its concession of extraordinary political power to the slaveholder, in that right which it gives him to represent three-fifths of his human property, by its pledge of the power of the nation to strike down the slave, if he rises in arms for his liberty, and its provisions for his recapture and restoration, if he attempts to secure the same boon by flight, is a compact with injustice, and a league with oppression; and deserves to be repudiated and spurned by all true abolitionists, and all true men.

Resolved, That the American Church, as a body, in the sanction and support which it gives to American slavery, by receiving to its communion tables and into its pulpit, these stealers of men: by its reproaches, excommunication, persecution, of those who plead the cause of the dumb, and him that hath no helper; by conferring its honors upon the oppressor, while it refuses to be a refuge for the oppressed; by allowing its members, unrebuked, to elect slaveholders to the offices of the nation, and promise allegiance to the pro-slavery constitution of the United States, has proved itself utterly unworthy of the name of Christ, and ought not to be regarded or treated as Christian.

Resolved, That those persons in the Free States, who give any voluntary support to the Constitution of the United States, are slaveholders and idolaters.

The following are extracts from the Report of the Massachusetts Anti-Slavery Society by its board of Managers, made on the 23d of January last, and of course *before* the Fugitive Slave Law which is now pretended to be a *fresh cause* for agitation, was passed by Congress: “The lapse of time,” say the Board of Managers, “and the progress of events, have but served to confirm our deliberate and often recorded opinion that the on-

ly exodus for the slave from his bondage—the only redemption of ourselves from our guilty participation in it, lies over the ruin of the American States and American Church. * * * The work which the American Abolitionists have undertaken, is no light one. They aim at nothing less than a reformation in religion and a REVOLUTION IN THE GOVERNMENT OF THE COUNTRY!”

Among certain resolutions presented at the annual meeting of the American Anti-Slavery Society, held at the Tabernacle in the city of New York, in May, 1849, were the following:

Resolved, That that which is giving strength, extension and perpetuity to Slavery, to wit: THE UNION, on being overthrown by a peaceful withdrawal from it by the non slave-holding States for conscience sake and for self-preservation, must necessarily weaken, limit, and extirpate slavery from the American soil. Therefore,

Resolved, That the motto of every Christian and every patriot should be, “*No union with slave-holders, either religiously or politically.*”

In September, 1849, an Anti-Slavery Convention was held at Berlin, Mahoning county, Ohio, said to consist of five or six thousand, and represented as an enthusiastic and unanimous assemblage. The sense of this large meeting was embodied in the following terms: “That since our Government has become thus destructive of the ends of liberty, and an engine of torture and slavery to millions, *compelling the entire people to be slave holders or slaves*, it has become our right and duty not to alter, but to abolish it, and to institute a new Government, laying its foundations on such principles and organizing its powers in such form as shall seem most likely to secure a full equality of the blessings of life, liberty, and the pursuit of happiness; and with full confidence in the integrity of our purpose and the justice of our cause, *we do hereby declare ourselves the enemies of the Constitution, Union, and Government of the United States*, and the friends of the new confederacy of Northern States, where there shall be NO UNION WITH SLAVE-HOLDERS, but where there shall ever be free soil, free labor, and free men. And from this great and glorious Convention, we proclaim it as our unalterable purpose and determination to live and labor for a dissolution of the present Union by all lawful and just, though bloodless and pacific means and for the formation of a new Northern Republic that shall be such, not in name only, but in full living reality and truth. And we do hereby invite and entreat all the young people of Ohio, and the friends of justice, humanity and true liberty in all the States, to unite with us in laboring for so glorious and holy an object.”

Mr. SUTLIFF.—The party from whom those resolutions in Mahoning county are reported, are opposed to all political action, and denounce Freesoilers as well as Whigs and Democrats.

Mr. GEIGER.—It is singular that these men are opposed to all political action, and yet never fail to vote. They and the Freesoil party are the same, and support the same candidates. The meeting in Mahoning county stood upon the platform here avowed by the Freesoilers. That organization embraces all political complexions; and is a seine with which trucksters fish, alike for perch and salmon, mullygrubs and suckers.

Mr. PARDEE.—How long since the Whig party claimed to be Freesoil?

Mr. GEIGER.—The Whig party of the North has never been aught else;—not by noisy brawling, but by practical action;—the doctrines emanating from our State Convention of 1848, are, in every way, superior to your Buffalo Platform;—by them, the Whigs of Ohio have steadily stood. Other parts of Ohio remained true to their integrity, while your Freesoil faction, from the land of constitutional scruples and pumpkins, freedom, philanthropy and cheese, theorized away their power; gave the lie to their canting professions; and basely deserted the goddess of their political adoration, in the hour of trial and of need.

But, sir, what are these turbulent advocates of disunion to accomplish? If a separation of the States takes place, who is benefited? The negroes escaping will find a home among us, and we must legislate and contribute to their support;—they will be a burden to themselves and us, and make their homes, not on the Western Reserve, but among those whose conduct towards them is denounced as heartless and unfeeling. Sir, it is a question, not only in physics, but in philanthropy, why the colored man will not remain among those who love him so dearly—who are so loud in their pleadings for his rights—so regular in their attendance on humane conventions; so virtuously indignant at his wrongs and sufferings.

Now, sir, the slave, though admitting him to be as degraded as the most zealous Freesoiler would represent him, certainly knows where he is well treated, even by mere animal instinct. Why, then, does he always shun his Freesoil brethren? If he goes to them, in want and poverty, have they no alms nor labor—or does he refuse to work? Or, if he goes there with some means, are they so shrewd, at a trade, that, by an unhappy turn in Fortune's wheel, he finds himself relieved of his *rhino*, and his brethren, with honesty as perfect, as their keenness is commendable, transferring his few items of

dollars and cents to their own care and keeping, and requesting him to travel on!

Sir, I represent upon this floor three times as many colored persons as the whole eleven counties of the Reserve contain; and, although surrounded by them, shall I be branded as their foe? Sir, the negroes know and understand who befriend them by pompous declamation, and who by merciful acts. Your philanthropy gives them no work and no shelter, but gives them swelling words, uneasiness and discomfort, which cost you nothing.

In case of disunion, the southern counties of Ohio would be overburdened with the hordes that would pour over from the neighboring confederacy, and they could not be driven north. Private liberality and public assessments would be taxed to the highest extent, and we should labor under the yoke imposed by these philanthropic fellow-citizens, whose location or habits prevent negroes from settling among them. Laws prohibiting their immigration would be enacted, and thus would terminate this Quixotic philanthropy.

But the effect of disunion, upon the negro would be terrible. Already have the Freesoilers caused the passage of severe laws and curtailed his privileges; and, if it should so happen, that the Union could be dissolved, how rigorous and cruel might be the discipline to which he would be subjected! His advantages, now, are few;—they would be lessened. From everything, indeed, which now affords him pleasure, but could, in any manner, tend to his escape, he would be excluded; and, as the fetters grow tighter, and the cold iron enters his warm heart, he could with truth exclaim—"God save me from my friends!"—The master, recognizing him as property, would guard him as such, and discovered attempts to escape would become (through fearful laws that would be enacted) the bases for maiming or death.

But, sir, another consequence of disunion would be, that the South would stand together, as one man, and the North would be warring and clashing, within herself; so that, instead of strengthening the North, by freeing her from connexion with the Slave States, you would cause intestine commotion, and make her the nursery and hospital for all the renegade and antiquated negroes.

In every aspect, in which disunion can be viewed, it is fraught with deeper sorrows to the black and direr calamities to our white population; and no man can be its advocate, without becoming an enemy to the negro, a traitor to himself, and a traitor to his country.

The general outcry, Mr. Speaker, against this "Fugitive Law," and the determination,

on the minds and consciences of some, to resist it, has led to argument as to the propriety of submitting to laws that we inwardly believe, wrong, whether a law, constitutionally enacted shall be sustained in its operation, or whether we shall defy its power;—whether our courts of law shall enforce it;—or whether every man shall obey or disobey it, as his reason or interest may dictate. I am not, sir, very ardent in my attachment to this "Fugitive Law." Some of its features are, in my opinion, unwise;—but that man is no true patriot who will not employ *proper* means to redress wrongs and do the right; and there is an effectual mode of compelling a change in this law, without resorting to force. Whatever misguided men may do, under excitement and folly, the body of the people are law-abiding and true.

It is contended, Mr. Speaker, by some, that the law is wrong, and ought to be resisted, without reference to its source, and the consequences of resistance. We have heard of the "bay of human blood-hounds on the track of the panting fugitive," and other stereotyped *philanthropics*. But, sir, it is for us to view the escaping slave, not as a moral culprit, but as a *legal* offender;—one who has violated the *law* by running away from his master; and while you and I may sympathize with his attempt, nevertheless his escaping is, in the eye of the law, a *wrong*, and he is to be treated and regarded in his *legal* character. The rights given the master, to capture him, we are not, in any manner, to attempt to overthrow. The slave owes "service and labor" to the master, and the latter while endeavoring to obtain that which is his legal due, must not be molested. We must distinguish between the *moral* and *legal* condition of individuals, but we must not allow our refined morality, to oppose the faithful execution of laws, made for the benefit of all, and to secure to others what has been made their property.

Sir, there are those who contend that when law conflicts with conscience;—as, with them, does every law giving to the master effective means for the reclaiming of the slave;—it is their duty to condemn, disregard, and trample it under their feet;—and thus preach the doctrine of anarchy and riot. Sir, there is not a law upon the statutes of Ohio, civil or criminal, which has not, at times, had its fierce opponents for "conscience's sake," because it conflicted with their views or interests. Adopt, as supreme, this doctrine of *conscience*, and every man becomes "judge, jury and executioner." Your courts can be repealed, for conscience will nullify their decisions;—every determination of a civil suit, will soon find the unsuccessful litigant attacked with a *gripping in the conscience*,

and he denounces your law as "unholy." Every criminal, fairly tried and condemned, will have conscientious scruples, against punishment; and, on those scruples, claim release. Conscience would become a garb large enough to cover a mountain, or small enough to be strained on a bread-basket.

But, permit me, in a simple manner, to present the effect, of the superiority of conscience over human law, by a few illustrations.

There are those who maintain that the laws securing property to one, to the exclusion of the use of it by others, are unnatural and, therefore, immoral; and that every one is entitled to the use of articles he can obtain without reference to ownership. This belief justifies stealing, which, all know, is, from necessity, punishable. Suppose a thief is arrested, by your officers, and in bearing him to trial, they meet a band of these worthies who believe, with the bold ancient Spartans, that theft is no crime, but, if successfully carried on, a virtue, and they, under the conviction of a misguided judgement, which they call "conscience," determine he is to be wrongly punished; and having the power, they force his release, and loose him upon society, to renew his depredations.

By the laws of all the States, bigamy is punished as a penitentiary offence. Suppose a man commits the crime and flies;—our officers pursue and overtake him;—and, in conveying him back for trial, are met by a band of Turks, in a wild region, who inquire why he is in chains;—and, being informed, they, instead of feeling outraged, consider the man as being abused for doing that which their religion tolerates. They are conscientiously impressed that the bigamist is an innocent sufferer; and they make war upon your legal agents, and restore him to liberty.

Again: Among all civilized communities, we are taught to guard and provide for our parents, in their declining years; to love those who cared for us in infancy and childhood;—but there are those—inhabitants of some of the South Sea Islands—who believe it is their conscientious duty, when parents become old, their sight dull, their limbs trembling and their energies relaxed, to relieve them of trouble and suffering, by taking their lives; and, accordingly, become the *conscientious* murderers of their parents.

With what consternation and horror would the parricide be here regarded? The more infirm the parent, the more hellish the offence. How the public heart would thrill with disgust and indignation at the crime; and, when your citizens, with rage and horror, scatter in all directions, to arrest the fiend who did the bloody deed, and, after long pursuit, a few find him, and, in carrying him

back, are met by a body of these South Sea Islanders, who believe that the criminal, instead of perpetrating an outrage, performed his duty consistently—acted with their *conscientious* belief of right—and, accordingly, give him his freedom, and scourge those by whom he was held in bondage.

But, if the parties resisting laws be operated upon and stimulated by conscience, then may those who enforce the law, be actuated by the same: and, the consequence is that, when the different parties meet, a strife ensues; weapons and bludgeons are used; blood is spilled; life is taken; communities are convulsed: and there is no remedy for the riots and brawls that shall make noisy and hideous human existence. If you take the parties before your juries, into your courts, and resolve that the law of conscience, under which they have acted, is superior to human statutes, your juries and your courts must decide that neither party is culpable, but that all are commendable and good citizens, for having so faithfully obeyed the behests of conscience, to the detriment of their individual comfort, and all are released.

How extremely interesting, Mr. Speaker, would be the community in which each man determines his course, and makes his own rule of action;—where "might is right," and the strong, in violence, trample upon the weak and the helpless;—where there is no superior power to which the oppressed and injured can appeal and be vindicated; where the hoarse voice of riot clamors, and the bared arm of murder is red; where the talismanic word "*conscience*," bursts asunder all restraint, tramples upon all human enactments, and justifies the most heinous outrages. Sir, the mind flies, shuddering, from such a spectacle. It is the irresistible majesty of the law which sustains you and me in our positions, and gives us individual protection;—which throws its power around our wives and little ones, at our hearth-stones;—which secures individuals the enjoyment of life, liberty and property;—which gives to communities, harmony and justice; to States, character and power. Under its might everything which leads to advancement, prosperity and felicity, is intended to be fostered; and, without it, earth becomes the waste on which human devils howl triumphant, or desolation reigns supreme.

Not satisfied, however, with deciding the question by conscience, these men direct you to Sacred Writ, and, therefrom, endeavor to draw arguments favoring their nefarious recommendations. They select isolated verses, without reference to what precedes or follows them, or the circumstances or times under which they were uttered, and, upon verses thus chosen, they issue their ingenious and

prolix comments. There is not a newspaper in any way connected with the Freesoil party, which has not, as a justifying cause of opposition to the Fugitive law, copied from the 23d chapter of Deuteronomy, 15th and 16th verses:—"Thou shalt not deliver unto his master the servant which has escaped from his master unto thee. He shall dwell with thee, even among you in that place which he shall choose in one of the gates where it liketh him best; thou shalt not oppress him."—And profess to have authority, from the above scripture injunctions, for disregarding laws for his re-capture. If this is to be received in its literal sense, in these days, then a servant can easily change hands, and transfer property. He need but leap over his master's fence, and, by this special command, he becomes the property of another;—no difference whether he is villainous or virtuous, or whether the neighbor wants him or not, he is forced to take him, by the "higher law."

Such a construction is absurd;—and it is hoped I may not be considered profane in saying, that the law, as contained in some of the chapters from which the extract is taken, scarcely applies to us. Yet if one command applies to us, *all* must. No single one can be taken, and the others rejected. All were given at the same time;—and I will even encounter the charge of vulgarity, by exhibiting the absurdity of being bound by such a law, by referring particularly to all the commands given in the same chapter—Deuteronomy xxiii. Let any one read them, and determine whether any of these injunctions are applicable now.

But, let our philanthropists come down to later times, and take the example of Him "who spake as never man spake," and to it conform their conduct. In the days of the Saviour, slavery was more hideous than now, and yet he incited no rebellions thereat;—he preached peace, not strife; obedience, not active resistance to law;—he inflamed no mobs, to release servants from their masters; and persuaded no servant to escape. He taught faithfulness in labor; patience, under suffering; submission and support to the "powers that be." If the precepts by Him promulged, had caused intestine strife, and led to anarchy and bloodshed, they would never have resisted the changes and opposition of eighteen hundred years, to gladden and beautify and bless the age in which we live. The man who forces upon His acts or sayings a construction justifying open rebellion to properly-constituted human authority, not only injures His cause, but dishonors his own name, and blasphemously belies the Saviour, in whom he trusts for redemption. "Let every soul be subject to the higher powers, for there

is no power but of God. The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God."

Having thus, Mr. Speaker, disposed of the "consciences" and religious view of this question, permit me to direct your attention to the constitutionality of the Fugitive law. No man can doubt that our settlement of that question will be final! People, far and near, are anxiously awaiting our determination! We are *all* so thoroughly qualified—so perfectly versed—in these matters, that it seems singular no petitions have swarmed here soliciting our opinion!! It does not make any difference, though the United States Senate, composed of the wise, learned and experienced men of the nation, whose lives have been passed in reflection upon such subjects, have given their assent. It is of no account, that the national House of Representatives have coincided with the Senate! That the President of the United States—a northern man;—and his Secretary of State, called the Expounder of the Constitution;—and his Cabinet, as a unit, pronounced the law constitutional: nor that the Supreme Court of the United States have unanimously approved the constitutionality of a law of nearly the same kind. We intend to think for ourselves, and form our own judgements. We have light here which flashed athwart the "Reserve," and we have the philanthropic and profound Senators from the same section to teach us how the instrument should be explained and understood. The laws which were passed fifty-seven years ago, and have remained on our statute books, as rules of conduct, have lately been revealed as *unconstitutional*;—and we have been suffering under them upwards of half a century; and, until informed by the wise men of 1850, were insensible to the wrongs we were enduring. How horrible and distressing!—and how thankful should we be that it was ever discovered, in these later times, by pious friends of the colored population, so that the error may be corrected.

But, this is an age of wonders and improvement:—

For children of the modern days,
Know more than all their daddies did!"

It is enough for me, however, to know that this law was formed by the men who supported it as Legislators, and afterwards approved it, to quiet all my constitutional scruples. The President submitted it to the Attorney General, and then gave it his signature. The Executive may not have approved it in detail; but every man at all conversant with politics, understands that President FILLMORE is filling the term for which Gen. TAYLOR was elected, and that he is carrying

out, like a genuine patriot, the pledge, given by that old hero anterior to his election, that he would veto no bill passed by Congress, with proper consideration, which was constitutional. As an honest man, reverence to the memory and doctrines of the dead, he could do nothing but what he did fearlessly perform; and that was, affix his signature to the act. Despite all the passion which has been manifested, in regard to this enactment, and the many recommendations for its repeal or amendment, I believe no Governor of any State has alleged that the law is unconstitutional; and DANIEL WEBSTER asserts, that he has not yet seen the opinion of any respectable lawyer, maintaining that the law is unconstitutional.

There is but one trivial part of this law wherein it differs from the law of 1793, in which, even, its opponents claim unconstitutionality. I shall treat of that hereafter. But the Free-soil Senators maintain that that law was unconstitutional, and all their argument hangs upon the establishment of that position.

I have always been accustomed to view the old men who made the Constitution, and the law of 1793, as capable of understanding their own works, and not wanting in devotion to their country;—but, if these latter-day objectors are correct, then the old simulators were ignorant of the powers they were conferring, or else disregarded the Constitution, the creature of their own workmanship, and made laws in opposition thereto. Sir, it is an insult, to the men of that day, to urge any such pitiful proposition. Those men—*clarum et venerabile nomen*—understood thoroughly their every movement. The laws then passed, received sober thought and searching scrutiny; and that man lacks either common sense or common honesty, who asserts that our fathers would not only behold, but engage in enacting laws, within three years after the adoption of the Constitution, which were contrary to its spirit and letter, and never utter a syllable, nor write a sentence, in opposition thereto! Gentlemen must not violate the graves of those old men, to blacken their memories and tarnish their honor.

The law of 1793, and the law of 1850, are, in their essential features, identical. If the law of 1850 is unconstitutional, then was that of 1793;—but not otherwise. Now, in what manner was the law of 1793 warmed into existence? The whole matter was brought forward by a member of Congress from a free State;—it was referred to a select committee of three—two from the North and one from the South;—and, after mature deliberation, the fugitive bill of 1793, was presented to the House, and upon it, there was

no great discussion. No writer of that time mentions that its constitutionality was questioned; although seven of the framers of the Constitution were in the lower house at the time, of whom six voted for the bill. The law was passed by a vote of forty-eight to seven. Of the seven in the negative five were northern men. The north had thirty members, some of whom were absent; but twenty-two of those present voted for it, upon its final passage. I regret that the Journal of the Senate could not be obtained, to see the full action and vote in that branch.

When that law was made, THOMAS JEFFERSON, on whom some gentlemen rely to establish its unconstitutionality, was Secretary of State;—and we defy any man to show even a symptom, in his writings, in opposition to it. We have every reason to know that he gave it his hearty concurrence.—GEORGE WASHINGTON, then President of the United States, as he had been President of the Convention which made the Constitution, gave it his approval, without reluctance;—and it is taxing public credulity heavily, to ask it to infer, from the facts then existing, that the men of that day were either too ignorant, to understand their privileges and duties, under their own instruments, or too base to support them;—and the Representatives of the free States ought to be fearfully anathematized, for frittering away their “*constitutional rights*,” if they so did, by the passage of that act!

Permit me here to say that, had I been in Congress, (where all such wise men ought to be,) there is but little doubt, in my mind, but I should certainly have voted against this becoming a law in its present form, because of some of its provisions which are exceptionable in almost every part of the North. Yet, I question not the motives or honesty of any man who gave it his support. There seemed a necessity for having some kind of effective power by which the master could obtain his property; and by a decision in the case of *Prigg vs. The Commonwealth of Pennsylvania*, all State officers were relieved from executing the law of 1793, by which it became virtually a dead letter;—as there were no officers to give it effect;—and it seemed proper to have some legislation to carry out the provisions of the Constitution.

The present law was passed at the close of a prolonged, boisterous and tedious session; pressed through the House under the “previous question;” and was associated with other schemes of compromise. Congress had, in fact, as the result will prove, added to the free domain of the country *all* our acquisitions from Mexico, gained by the common toil, treasure and blood of the North and South; and it really seems as nothing but

proper, that when we had effectually prohibited the extension of this "peculiar institution" over this vast territory, belonging to us all, we should confer upon the South some suitable means for procuring their property when escaping from them. It is, certainly, under the circumstances, no unreasonable boon.

There may possibly be objections to this law, yet I dare not doubt its constitutionality, with the light which is before me. The Constitution of the United States is the offspring of patriotic men. It is a plain, strong, easily-understood instrument. It requires no ingenuity nor strained logic, to unfold its proper signification and purposes. All who know anything of its adoption, know that this question of slavery was discussed, when it was formed, and the clause in reference to fugitives was unanimously incorporated—that it was the result of compromise, wisdom and mutual regard for each other's rights and necessities; and that men who had been endeared to each other, through a communionship of suffering, would not, in their political dealing, wrong one another. They incorporated into the last clause of Section 2 Article III, the following:

"No person held to Service or Labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor therein, but shall be delivered up, on claim of the party to whom such service or labor may be due."

Is it not foolish, Mr. Speaker, to argue to make more plain the right of the master to his property. It seems like endeavoring to establish a truism; and I shall not assume the labor. Some Free-soil Senators contend that Congress has no power, by the Constitution, to enact laws for re-capturing slaves; and others maintain, with equal clearness, that the States have no power. Here, then, is an article of the Constitution; and, by their sapient logic, no authority lodged *anywhere* by which it can be enforced, which proposition is too absurd for even ridicule.

The patriarchs who made the constitution, seemed to believe it conferred power on Congress to legislate;—at least, they made no outcry when the law of 1797 was passed. Now, if they had no right to act upon fugitives from labor, then they had no right to act upon "fugitives from justice." for both are in the same article and section of the Constitution; and the act of 1797 embraces, within it, "fugitives from justice," and "fugitives from labor," in carrying out the provisions of the constitution. No man has ever uttered a word against the power of the General Government to enforce the law in reference to criminals, and their making laws

for the purpose; but holy horror and constitutional anguish seize some persons when its fellow clause is to be practically brought into operation in the same way.

Having thus determined the power of Congress to make the law, let us inquire as to the objections, and foremost comes, that it suspends the "writ of *habeas corpus*," which is the great safeguard of personal freedom. You will observe, Mr. Speaker, that these friends of the blacks force the most rigorous and fearful construction upon all laws passed in relation to them, instead of giving such laws a fair and mild interpretation: the chain that would lie lightly upon their breasts, they would force into their hearts, in order to make capital from the sufferings, and arouse public indignation.

It is urged that the last clause of the sixth section of the law, which reads:—

"And the certificates, in this and the first section mentioned, shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and shall prevent the molesting of such person or persons, by any process issued by any court, judge, magistrate or other person whomsoever,"—suppresses the *habeas corpus*.

The section provides for the arrest and trial of the fugitive, before the officer; and, if the facts of ownership, servitude and escape be established, then and only then is a certificate to be granted, to remove the fugitive to the place from which he fled. In the clause which I have quoted, it is said he shall not be *molested* by any process. The *habeas corpus* is undoubtedly a process;—and will, upon proper application, be granted—not for the purpose of *molesting* the claimant, but to inquire and ascertain whether he has authority to carry away the alleged fugitive;—whether he has a *certificate*, made out by the proper authority, in legal form—in every way regular and perfect;—or whether he is unlawfully bearing him off. Upon the return of the *process* or *writ*, if the claimant exhibits a certificate obtained from the right source, and in every manner consistent with the law then he is not, by that civil tribunal, to be *molested*; but if it is in any way erroneous, the fugitive is restored to liberty.—The object of the *habeas corpus*, is to ascertain whether a man is fairly imprisoned, and to free from *molestation* the claimant, upon his presenting the necessary authority.

In reference to trial by jury, the new law is neither worse nor better than the old. It is precisely similar;—it takes away from the slave no rights he had, under the act of 1797. The resolutions I introduced, recommend that the trial, by jury, of all slaves, who seem to have a real claim to freedom, shall be se-

cured. The amendment that bond shall be given, to insure the trial in the State from which he fled, is the project of the Compromise Committee of Thirteen in the Senate of the United States, in May of 1850. I have added that, failing to give such bond, the slave shall have a jury trial, wherever found. It is well known that, in several of the slave States, a slave can, upon simply petitioning the court, have counsel assigned, and an almost immediate hearing, before a jury, to determine his freedom.

I have before said, that my vote should not have been recorded for this law;—yet there has been unnecessary odium, attached to it, by those who have given it a violent and strained construction, to manufacture discord and political capital:—and to other good citizens, it is, in some parts, extremely disagreeable;—but, while it is the law of the land, let every good man maintain, or at least not rebel against, it;—but endeavor to soften public asperity, and create a healthful tone of public sentiment.

But, the clause in the late law most furiously denounced, and which seems to be unfair upon its face, is that which gives five dollars to the commissioner, or officer, for deciding in favor of the fugitive; and ten dollars, for giving him up to the claimant, and, it is charged, that it is, therefore, a direct reward, or bribe, to induce the officer to do injustice.

The principle of this feature of the law is incorporated into our own statutes. In preliminary trials, for misdemeanors, before justices, where the State is a party, no fees accrue to the officers, unless there is a commitment. In some of the States, the law is that, for all crimes which are *triable* in court, neither court-officers, jurors nor witnesses receive any compensation unless there is a conviction;—therefore, it can, with equal truth, be urged, that bribery and corruption are put forth, to condemn and wrong the innocent.

But, gentlemen who thus contend, insult the integrity of the men by whom the negroes' rights are to be tested. Do they not know that this provision is of benefit to the fugitive, the fear of being charged with being influenced by mercenary considerations will prompt nineteen commissioners out of every twenty to determine every doubtful case in his favor. No man would peril his reputation, by doing otherwise. It would subject him to scoffs and abuse, from an indignant community.

But, sir, the reason inducing this portion of the act was, that there is a great difference, in the amount of labor, between the process of releasing a captive and sending him again to bondage. In the one case, he merely sets him at liberty, and his duties are

at an end;—if he is surrendered, the record must be completed, and the necessary papers prepared, to enable him to be legally taken away. It is represented that the additional labor is worth the compensation. But, who is it that pays all these expenses? Neither the negro nor the government;—but the pecuniary burden must be borne by the claimant, whether success or failure attend his efforts.

Another objectionable feature, in the law is that the "Slave-Catcher" can compel us to call out a force, to carry back his property, to the State from which he fled, at the expense of the Government; and it is gravely urged that we ought to have our stray horses or oxen returned to us in the same way. This course of argument is vehemently pressed, without understanding, or desiring to understand, the law. *Men comment upon it, without ever having read it*; and thus misconstrue and pervert. They *hide* every thing which renders it, in any respect reasonable or proper, and thrust into prominence isolated portions, which they unfairly represent. Let a man calmly read it, and give it a fair interpretation. The law requires that, if the claimant *makes affidavit*, that he believes there will be *an attempt to rescue his property from him*, then—and only then—can he have the power or money of the United States, to aid him. If the people among whom the fugitive is found are peaceful, and inclined to obey the authority of law, then no such affidavit will be made, and no charge accrue. But, if your mobs are aroused and infuriated, and he finds himself not only beset by men who are determined to wrest from him his property, but to endanger his life, it is right that the power of the government should be brought into operation, to vindicate its enactments. If this clause were out of the act, all that would be necessary to release any reclaimed slave, would be to incite your populace, and the expense of hiring a sufficient force to overcome it, would be twenty times greater than the value of any slave, and would be a virtual repeal of all the efficacy of the law. It is very true that our people may be imposed on, by false oaths, but if a man will perjure himself, of course we may be wronged in various ways;—we have no safeguard as against perjury. But there is one case, at least, upon record, under this law, where, although affidavit was made, yet the court, upon examination, refused to grant the authority and money of the Government, to the claimant, because it believed there was no danger of an attempt to rescue. If the men of the North will only submit to the law and obey its requirements, there will be no expense arising to us, in carrying out this clause; and there need be no pomp or parade of a

military or civil authority ; but, whenever there is an effort to rescue a fugitive, legally detained, it is right that the Government should interfere, and give to others what is constitutionally their due, without subjecting their citizens to expense or peril;—and suppress, by *lawful* power, *unlawful* riots.

But, sir, those who perform the outraged, most magnificently, on every question of slavery, are the *leaders* of the Freesoil organization. These *worthies* become convulsed, while even thinking upon the subject. They never move, but they are surrounded by “bleeding humanity.” In their waking moments horrors unutterable tower before them;—when they sleep, their bosoms are burdened with victims of oppression; their dreams are terrible and ghastly; negroes, scourged and manacled, fantastically flutter in the air before them; and shrieks and groans, startle them, from unrefreshing slumber;—and, haunted thus fearfully, some might be prompted to endeavor practically to benefit the colored man, and give the “panting fugitive” time to wind;—but there are others whose boisterous professions for “freedom,” are the mere means employed for individual advancement, and, I fearlessly assert, that the party leaders are actuated more by policy than by principle.

The great contest waged between slavery and freedom, was, in 1844, on the question of annexation. The Democratic army was boldly drawn out, under Polk and Texas, and its men battling under the flag. The Whigs, with HENRY CLAY as their leader—“No More Slave Territory!” on their banner—declared the unconstitutionality of annexing Texas, and Mr. Clay’s election would have prevented the extension of this slave plague. Here were the armies drawn up, with that distinct issue towering above all others. It was a question which was to be permanently settled;—which no subsequent legislation could affect;—and which, determined once, was *fixed*, so long as the government endured. Where, then, in that struggle, were these zealous advocates of freedom to be found? Where, when the voice of *freemen* could be made potent, were they? Not slinking from the fight;—but rallied under a man of their own class and kind, whom they knew and acknowledged was morally certain to be defeated; and gave, in New York State, a vote, to Mr. BIRNEY, which, if they had practical belief in their doctrines, would have been concentrated on HENRY CLAY, and he have been made President of the United States, and the extension of slavery and the horrors of war prevented.

But they, by refusing to vote for the avow-

ed opponent of slave territory, elevated Mr. POLK to the Presidency, and thus created the basis for four Slave States.

How was it, lately, in Congress, in the vote for Speakership? The Whigs presented R. C. WINTHROP, a true Representative of a free State;—and yet the *honest* Freesoil fragment, headed by the *conscientious* Mr. GIDDINGS, chose so to fritter away their force, as to have Mr. COBB, a Southern slaveholder, elected; and the important committees conferred upon the South; and, in the general dickerer on that occasion, Mr. GIDDINGS, their grand apostle, voted for Mr. BROWN, as Speaker, which said Mr. BROWN voted for the “fugitive law” of 1850.

Sir, this party, very probably, originated honestly to oppose slavery; but it has shown itself only an engine for *personal promotion*, and office is not only its *AIM*, but its *LIFE’S BLOOD*. Its acts have given the lie to its cant, about freedom; for it has refused the adoption of every practical way of advancing that cause. It has strengthened the oppressor; and deserted those who labored against him; and it would, ere this, have dragged out its miserable existence, had it not been nourished by the Whig and Democratic parties. If they, instead of making it “the balance of power,” had, like men, divested it of all power, there would have been no inducement for apostates to join it; but so long as you confer on one-sixteenth as much public patronage as is given fifteen-sixteenths, so long you not only reward men for being untrue, and keeping up that hypocritical organization, but you hold out brilliant inducements for all the mercenary partisans of the State to join them;—and, by giving them elevated stations, you clothe them with an influence which is false, and may be reflected for evil. Facts, sir, are said to be stubborn, and I know they are *humiliating*, things. The “Freesoil” party have thrust through their trading capacity; SALMON P. CHASE into the United States Senate, and he presents the anomaly of a Representative with but a mere fragment of the people of Ohio as a constituency;—and will our democratic brethren be again found, yielding their preferences for their own talented, honorable and patriotic men, to foist another such into that high position;—for it seems that no officer less than a colleague for Mr. CHASE will satisfy our modest friends. They have Mr. HAMLIN, as President of the Board of Public Works; Mr. KING, Secretary of State; and a host of other officers, in different parts of Ohio, swarming upon communities in which their luskstering policy is despised; and, now, we are seriously asked to vote, as a matter of compromise, for Mr. GIDDINGS for United States Senator, to scorch

and sear the heart of every true man. It has been, sir, but a few weeks since that *honest* politician, in his place in Congress, denounced the Whig party, as being not only destitute of principle, merely "a remnant of Slave-Catchers;" and yet with an effrontery that would seem, in any other man, an outrage, he is, through agencies, endeavoring to obtain votes to enable him to disgrace a seat in the United States Senate, by making ferment prejudicial to the country.

Sir, we must rid ourselves of this faction, whose course, for the last few years, has been for place, irrespective of men and measures; and, while it has talked of benevolence and righteousness, has been coolly inserting its men into the best positions of the commonwealth. Indeed this "*purely philanthropic organization*," the object of whose formation was office, and whose existence depends upon its attainment, should be incorporated under the name and title of 'THE GRAND SNAPPING-TURTLE PARTY OF OHIO.' Early in each winter, as the regular attendant of every Legislature, this animal makes its appearance in our capitol, with head, tail, body, and claws, snugly enclosed within its shell. There it lies quiet—and passive—awaiting events and inducements. At a becoming time, our Whig and Democratic brethren present offerings to lure it from its home; and, as the flavor is forced upon its senses, slowly and softly its covering is raised, and the head peers cautiously out, winding each way, smelling the Whig fish and the Democratic flesh, until it chooses from the two, fastens upon its choice, and then is noiselessly drawn within its enclosure, to await another session and another bait. Let the two great parties of the day withhold supplies, and the curiosity will perish through starvation, and we shall break its shell and examine its mysterious internal construction."

I have already, Mr. Speaker, detained the Senate too long; and will, merely, read my resolutions, to the *whole body* of which I have spoken, and then hasten to a conclusion.

[See Resolutions, on 2d page.]

There they are:—expressing condemnation of the agitation of slavery, when agitated, to gain popularity thereby;—showing our estimate of the Union:—expressing our confidence in the judiciary and ballot-box, to remedy evils;—our determination to maintain the integrity of our laws:—our willingness to carry out the compromises of the Consti-

tution:—the suggestion, in a conciliatory spirit, of a change in the fugitive law;—a declaration of the opposition of Ohio, to the extension of slavery, into territory now free;—the request, to our Senators, that their action, (if any is had on the subject,) shall be conformed to the spirit of these resolutions, and make the Union superior to every other consideration.

Sir, I honestly believe that the unconditional repeal of this law involves the Union. There may have been no imperative necessity for its passage; but to it the South now adheres, not only as a due, but as a matter of pride and honor. Men, who have heretofore been strenuous advocates of the Union and battled against those who sought its dissolution, fearlessly and coolly assert that if this law is repealed, then will they run upon the verge, and test practically, the results of disunion.

Sir, it seems as folly to encomiumize this Union. It speaks for itself, in the prosperity, greatness and power of the country. It was the offspring of necessity; and, with men of ordinary patriotism, necessity will compel its reservation. The seeds which brought it forth, were implanted when the plains of battle were red on the hill, and the smoke of contention was dark in the valley; when stout hearts fainted, timid souls quaked, and the faithful almost forgot to lean on the omnipotence of God. It has brought us, from a small beginning, unto a mighty nation, bound us together at home, and extorted respect for us abroad. Every consideration which can influence the Christian, the philanthropist or statesman, links it to the American, and awakens for it his watchful guardianship. The thrilling memories of the past; the glorious exhibitions of the present, the reasonable anticipations of the future cause us to cling to and love it. Blistered be the tongue that will lisp against it;—palsied be the hand that would be upraised to mar it;—and may every degenerate son who opposes its duration, fall powerless before it, as fell Dagon before the ark of the Lord.—As the dying saint raises his eye of faith to the Cross of the Saviour for redemption, so may the living patriot centre his hopes and heart upon the Union, as the ark of political salvation, for him and his children.

"A union of waters a union of lands,
A union of States none can sever,
A union of hearts, a union of hands,
Our own glorious Union forever."

SKETCH OF MR. WALKER'S REPLY TO MR. GEIGER.

In the Senate, on Friday, January 24, 1851, Mr. WALKER, Senator from Montgomery, took the floor, and proceeded, (as he avowed) to examine Mr. GEIGER's resolutions. He contended that all the great moral reformations had been preceded by agitation; and that the subject referred to, by these resolutions, were worthy of examination and consideration. He denied that the Union of the States was paramount to every other political consideration. Events might occur which would induce the people of the North to seek the dissolution of the American Union.

He might agree with the second resolution. He thought the resolutions inconsistent with themselves. They were dignified as "union resolutions," and their author had said, if the fugitive law was modified, the South would leave the Union, yet one of the resolutions proposed a modification.

He opposed the third resolution. Southern men had intentionally procured the insertion of a principle, in the fugitive law, to deprive the colored man of the right of evidence.

As to the habeas corpus, gentlemen asserted this was not suspended. It might not be in words, but what was the effect? When the hell hounds of the South had arrested a person on a forged certificate, and were taking him South, what was the benefit of the writ? It might be sued out, but was neutralized—emasculated by the forged certificate, was entirely useless in effect, if not suspended.

He would lay it down as a fundamental proposition, that the Constitution did not in any part, either in letter or spirit, recognize that there could be such a thing as property in man; and that such a doctrine was scouted in the Convention that framed the Constitution. He had Mr. Madison as authority for this assertion, and other men of that time. Yet this principle was the very foundation of the Fugitive law. In the two places where the Constitution referred to this class, they were called persons, as individuals entitled to three-fifths of humanity at least. This was done to give the South the predominance in the National Legislature.

Another proposition that had been made here, he would also deny, viz: that the Constitution was a compact of States, and belonged to the State as such. It was a constitution of the people, and so stated in the preamble.

Mr. Walker was not frightened by threats of disunion. The South wished to acquire Cuba, and other islands and countries before they were ready;—and if the North would continue to pander to them they would soon be ready. At present, they could not stand alone 24 hours, their slaves would eat them up.

The ex parte testimony allowed by the fugitive law, Mr. W. pronounced truly odious. Yet we had apologists for it—and more apo-

gists for slavery than there were in the day of John Randolph. Things had been managed to increase the influence of slavery, though Mr. W. contended that Jefferson hated it, and Virginia spurned it. He denied that the United States had done much to abolish slavery—in principle, or in fact.

He then read from certain documents to show there could be no legal relation between master and slave. He ridiculed the position that slavery could be derived from the Levitical code, and declared those laws as heathenish, and the very man who was pronounced after God's own heart, a murderer.

Slavery was not a legal relation—the slave was not bound by it. He was justified in striking down his master, if he was endeavoring to arrest him. If less than human, as the southern laws admitted, they could not be held responsible.

He was in favor of bringing public influence to bear on Congress, and thus obtain the repeal or modification of this law. But he was not going to condemn those who denounced this law as tyrannical and inhuman.

The negro who was arrested under this law had no chance of jury trial in hardly any, if any of the southern States. Mr. Clay did not introduce any such law as this—he had not the hardihood to do it. Most of the northern members of Congress voted against it.

Mr. Walker, on account of ill health, closed his remarks for that time; but, on Monday, January 28, he resumed and concluded them. He said:—

He had already commented on all of Mr. Geiger's resolutions except the fifth. He had no exception to take to this, except that in common with the others—it seemed to censure those who opposed the fugitive law, and sought its repeal. He did not stand here as the exponent of the Freesoil party, but as the advocate of the Whig party. He held the sentiments of the Whigs of '44 and '45, and he who now vindicated the fugitive law, should he denounce as an apostate of the Whig party. He could understand the course of some Senators on this floor, in shaping their sentiments to that of their particular districts. He himself had been told that in his course he was cutting his own throat. He had once for all to say, that if his constituents condemned him for what he had said here, they would condemn themselves and the doctrine they held six years ago.

[It was understood that the Senator from Montgomery took high abolition ground: ridiculed HENRY CLAY, and those who were styled "Union Whigs;" contended that the slave had the right to kill his master, who might be trying to arrest him, and take him away from Ohio to the State to which he fled;—and his speech, as delivered, was even in advance of the Freesoilers.]

MR. GEIGER'S REJOINDER.

Mr. GEIGER was not surprised, after reading the report of the Senator's, (Mr. Walker's) speech, made a few days ago, to hear him now make a high-toned abolition effort;—but he was amazed and humiliated, to perceive him a twin brother of the free-soil Senator from Ashtabula, in reading him, (Mr. G.) out of the Whig party, and denouncing its true and honored men. The Senator from Montgomery, in abusing the distinguished Whigs of the party, men who have stood by it when its flag trailed in the dust in defeat, as sincerely as when it floated triumphant over the cohorts of its routed and scattered foes, speaks but his own sentiment, and represents his own feelings, and does dishonor to the manly constituency that sent him here.

The Senator, in his new-born zeal, can spare no man, no difference what may be his character or services; and, in his indiscriminate onslaught, denounces HENRY CLAY!—Harry Clay! than whom God never created a nobler patriot;—Harry Clay! at the mere mention of whose name, the Whig breast heaves with deeper emotion and holier enthusiasm;—Harry Clay, who toiled and struggled for the country, before the Senator knew of its existence, and battled for the Constitution before he was born to partake of its blessings!—Sir, that name always vibrates, as with an electric thrill, through every fibre of the true Whig party, and awakens the affections of the “old guard” who have never bowed to Baal. The heart of that man yet beats responsive to the calls of his country; and, although age has come upon him, yet is he able, zealous and efficient; and, in times of difficulty and of danger,

“One blast upon his bugle horn,
Is worth a thousand men!”

He (pointing to Mr. Walker) disparage Henry Clay! Why, sir, if one of those exalted thoughts which wildly play through the gigantic brain of HARRY OF THE WEST, should fall, with its ponderous weight, upon the brain of the Senator from Montgomery, he would consider it the approach of apoplexy!

Sir, the gentleman argued the question of *Slavery*—not the fugitive law—and calls him (Mr. G.) and his constituents, its supporters; and then gives the language of John Randolph and Thomas Jefferson, ridiculing such Northern men. Ridicule from any source can never drive me from the right. I have no attachment to Slavery. I was born, sir, in a State,

“Where breathes no castled lord nor caged slave,
Where thoughts and words and acts are bold and free;
Where friends can find a welcome, foes a grave.”

I have never, as a citizen, trodden soil or breathed air consecrated to aught but Freedom. With me, Freedom is written every where;—in the clouds that float in the sky, the birds that wing through the air, the boughs that battle with the blast;—and the

power of locomotion, bestowed by God on man, declares the right to its exercise. It has ever been the watchword of the WINGS or ONTO, by them it has been proclaimed, as also by the democratic party;—there is no division upon this question;—but am I, is my gallant constituency—is every one who stands forward, for the integrity of the Union, against the vindictive assaults of its foes, to be denounced!—and that, too, because they will not desert the country, in the hour of its trial, at the command of base, huckstering, office-hunting renegades?—I scorn dictation, from such sources, and their epithets and condemnation, are powerless and pitiful.

Sir, does not the Senator know that slavery is an institution recognized and fortified by our constitution and laws? Does he wish us to despise and break them? We must treat the institution as it is;—not as we should desire it to be. We admit all the evils of slavery, all the blessings of freedom, but we are surrounded by circumstances, laws and constitutions, to which every wise legislator, and common-sense patriot must conform his conduct. The fugitive law is not free from error;—no man contends for its perfection. There are parts of it wrong. My resolutions recommend amendment, if action is taken, but to disturb that law, at this time, is considered by many good men, improper, and its unconditional repeal perilous in the extreme.

Mr. Geiger was willing to admit all that the gentleman contended for, in regard to England and her nominal abolition of slavery. Yet, sir, who has the effrontery to deny that, in the West-Indies, more distress and anarchy prevail than did during the prevalence of the institutions;—and he would remind the Senator that, although it was seemingly true, as he had urged, that slaves “do not breathe in England,” still that Senator would do well, while quoting England's example, to remember that slavery still exists there, as it has for ages, in a form more inhuman, more hellish, than it ever did or could assume in this country. It is true, of a different kind—a slavery of whites, not of the blacks;—a slavery of the operatives;—a slavery of the down trodden, starving, agonized, working population, of all sexes, ages and conditions. The gentleman, in his fervor and pathos against slavery, here rushes into poetry and romance, and quotes from Whittier anathemas and revilings against the land of his birth; but, for his wronged white brethren he has no tears to shed;—for them he quotes an English or American poet in favor of liberty;—all his poetry and all his sympathy are uttered against the wrongs of the blacks within these United States, and for them he would even risk the severance of the Union! Nobler poets have written in more loyal strains—



"From the day that our forefathers fearfully flung,
 Their star-colored banner abroad,
 To themselves ever true to their motto they clung,
 As they clung to the promise of God;
 By the bayonet traced in the midnight of war,
 In the fields where our glory was won,
 Oh, perish the heart or the hand that would mar
 Our motto of MANY IN ONE."

Sir, from my soul, I despise those driveling, contemptible demagogues, whose only food is excitement, and whose efforts are to create division and contention among the people.

In his argument, the Senator grows eloquent—nay, he is *tormendous*! First, he turns upon me; and I am but a mere mouthful to his capacious maw;—then, he wheels to eat the Senator from Clinton, who, being absent, I am a second time swallowed by this mighty man. Still unsatisfied, the Senator takes down my democratic friend from Clermont! With such an incongruous load all expected to see those bright buttons fly from his blue coat, with the expansion of his system, but his digestion seemed equally harmless with his mastication; and, after the entire process, I am yet here huzzinga lustily!—swallowed, but not deadened;—brought forth again, like Jonah from the whale.

Sir, the Senator says that the South *dare not* secede, because she is too weak. Does he not know that the same spirit which would prompt us to defy the defiant, lives unquenchable in their breasts? Does he not know that they are descendants of men who, in the calamitous times of the Revolution, stood by our fathers of the North, and not only *dared* but *did*? Does he not know that the South is stronger and wealthier, at this time, than were the whole of the colonies when they thundered destruction to the boasted inviability of England? Oh, sir! has the day arrived when the children of the men, whose friendship and patriotism were welded together and tested in the fiery furnace of the Revolution, shall rely upon the weakness of a section, to debar it from its constitutional rights? Sir, let the gentleman not be mistaken—the South upon this subject is not weak—touch but the outermost membrane, and it vibrates in her innermost heart;—here she is concentrated and determined—no blindness can mistake her;—he strict constitutional rights she *will maintain*, and the granting of those no patriot nor honest man dare deny.

But, sir, an indiscriminate denunciation of the South comes with but an ill grace from a citizen of Ohio. What are we but an emanation from the liberality of a slave State;—the offspring of Virginia? True: the child has outstripped the parent, but gratitude should commingle with the thrilling associations which cluster proudly around the "Old Dominion." In the dark days she was the Mother Commonwealth, and around her the feeble ones clung for aid and protection. Did she, in those fearful times, when her children

bled and died upon her bosom, falter or swerve? Did she furnish no leader for your armies, no brave men for your battles?—Throughout that terrible strife, Virginia was true to herself and the great cause on which she had staked her all, for Virtue, Liberty and Independence.

But, time has rolled on, and what was *her* wilderness has become *our* mighty State. In the midst of our prosperity, we revert not to the past, and forget the intrepidity and tribulation through which we receive the blessings;—and now, instead of pouring our offering of peace and love into the lap of our mother, gentlemen would thrust vipers into her bosom, stigmatize her name and honor, and taunt her with frailty and imbecility.

Id our Territorial days, Sir, when our settlements were scanty and the savages were scalping our pioneers, who then poured forth her gallant sons to protect and rescue the defenceless? Another "Slave State, Kentucky, sent forth her men from their firesides to succor and to save. And her Legislature, with a magnanimity illustrious and politic, gave the command of her soldiery to a citizen of Ohio, and restored peace to the country. Blame me not, then, for asking what is constitutionally due to those who have done so much for us.

Mr. Geiger then took up his resolutions one by one, and defended them. The Senator from Montgomery, says that he does *not* hold the preservation of this glorious Union to be paramount to every other political consideration. He says he goes for liberty in preference to the Union. He, Mr. G., looked upon the Union as the preserver of the liberty we enjoy, and with Mr. Webster, he earnestly hoped, that "when my eyes shall be turned to behold, for the last time, the sun in Heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let this last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies, streaming in their original lustre, not a stripe erased or polluted; or a single star obscured, bearing for its motto, no such miserable interrogatory as, *What is all this worth?* nor those other words of delusion and folly, *Liberty first and Union afterwards*,—but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and on every wind, and under the whole Heavens, that other sentiment, dear to every true American heart:—

"*Liberty and Union, now and forever; one and inseparable.*"

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